



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

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FILE COPY

February 3, 2004

EPA Region 5 Records Ctr.



228772

Mr. Gary Deigan  
Deigan and Associates, LLC  
1309 Hackleberry Ct.  
Libertyville, IL 60048

Re: Clarification of Technical Memorandum Acceptance Letter  
Waukegan Coke Plant ("WCP") Site, Waukegan, IL

Dear Mr. Deigan:

I am responding to your January 27, 2004 letter to me (see attachment) in which you, on behalf of the City of Waukegan ("City"), requested clarification of the contents of my January 16, 2004 Technical Memorandum<sup>1</sup> acceptance letter. The acceptance letter was meant to acknowledge that the suggested new arsenic and naphthalene soil cleanup standards were acceptable to U.S. EPA and that we agreed with the conceptual provisions for residential re-use of the WCP site.

We support the use of the WCP site for mixed use redevelopment, including residential land use, as long as the protective means evaluated in the Technical Memorandum are used at the site. These protective means are 1) a three-foot clean soil cover placed over areas of the site that would not have buildings or infrastructure (e.g. paved roads and parking areas) over them - to eliminate any credible exposure pathway for routine ingestion or dermal contact with residual soil contaminants; 2) vapor control measures, whether passive or active as needed, used to intercept or block subsurface vapor from entering indoor air space; and 3) institutional controls (e.g. groundwater-use restrictions) would be placed on the property so it would not be used for inappropriate means.

Therefore, in accordance with your requests in your letter:

1. I agree that future mixed use development of the WCP site could include residential land use.
2. I agree that the engineering and institutional controls suggested in the Technical Memorandum appear to be appropriate to control the direct contact, ingestion,

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<sup>1</sup> "Revised Soil Cleanup Levels Technical Memorandum," Barr Engineering, December 2003.

and vapor intrusion risks associated with a residential redevelopment of the WCP site. Also, it is understood that drinking water for any redevelopment would come from the municipal system and not from site groundwater.

3. It was not my intent to require the use of an active vapor removal system that achieved a 95% or greater removal efficiency. Rather, we would accept any combination of passive or active controls that achieve indoor air concentrations that do not pose a health risk for the chemicals of concern at the WCP site.

The City of course may codify the vapor barrier use as you discuss, but we advise that provisions also be made to periodically test indoor air for vapor intrusion levels to demonstrate that the installed vapor barriers are protective.

Please call (312-886-7078) or e-mail ([adler.kevin@epa.gov](mailto:adler.kevin@epa.gov)) if you have any further questions in this matter.

Sincerely,

Kevin Adler  
OMC/WCP Project Manager

  
attachment

cc: W. Muno, S-6J  
S. Tennenbaum, C-14J  
WCP Settling Defendants



**Deigan & Associates, LLC**

**Environmental Consultants**

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January 27, 2004

Mr. Kevin Adler (S-6J)  
Remedial Project Manager  
USEPA, Region V  
77 W. Jackson Blvd.  
Chicago, IL. 60604-3590

*sent via email*

Re: **Waukegan Coke Plant Site**  
Request for Clarification of USEPA Letter Accepting  
December 5, 2003 Technical Memorandum

Dear Mr. Adler:

On behalf of the City of Waukegan, this letter responds to the above-referenced letter and requests USEPA clarification on the content of the letter. Our primary concern is that the USEPA acceptance letter raises considerable uncertainty for developers/builders when considering future post-remedy site re-use and redevelopment plans.

1. Please clarify that Paragraph 2 of the USEPA acceptance letter also acknowledges the second purpose of the WCP's Technical Memorandum of December 5, 2003 related to the evaluation of soil management options protective of mixed use redevelopment.

Excerpted from Technical Memo:

*"This Technical Memorandum has been prepared for the purpose of: (1) updating the soil cleanup levels for the Waukegan Manufactured Gas and Coke Plant (WMG&CP) Site (Site); and (2) evaluating additional soil management options protective of mixed use redevelopment that could include future residential land use at the Site."*

2. Please clarify Paragraph 3 of your letter in that the December 5, 2003 WCP Technical Memorandum by Barr Engineering did not rely on (but merely referred to) the City's Revised Risk Assessment Evaluation to formulate its conclusions. Please also note that Barr's Technical Memo (not just the City's Risk Assessment) confirmed the protectiveness of clean soil cover, building vapor barriers, and building foundations as protective for mixed use redevelopment, including residential. You may wish to have Barr confirm this with you.

Mr. Kevin Adler  
USEPA  
January 27, 2004  
Waukegan Coke Plant Site

3. Please clarify that the vapor exposure pathway barriers contemplated for inhabited buildings of the site redevelopment may be impervious or semi-pervious systems that are 95% efficient, but may not be active treatment systems requiring 95% "removal efficiency" as stated in your letter. We are concerned that this terminology may create uncertainty and/or over design for future buildings and structures. We believe the Technical Memorandum excerpt below clarifies the intent of this added site redevelopment precaution supported by the City. We further anticipate that a vapor barrier standard can be readily incorporated into a site-specific development agreement for the property, which can be enforced as a design performance standard via local City building permit and code inspections.

Excerpted from Section 4.2 of Technical Memorandum:

*Indoor Air Exposure –The indoor exposure evaluation was performed in order to assess the concentration of naphthalene or benzene in soil or groundwater that would be protective, assuming building vapor control measures as called for in the City's Revised Risk Assessment Evaluation. The evaluation here is based on vapor controls that are 95 percent efficient (i.e., intercept or block 95 percent of the subsurface vapor from entering the indoor air space).*

On behalf of the City of Waukegan, we appreciate your attention to this request for clarification and USEPA's continued support and assistance as we work toward a feasible and protective site redevelopment plan for this important Waukegan lakefront property.

Please do not hesitate to contact me should you require any additional information or have any questions.

Sincerely,  
**Deigan & Associates, LLC**

*Gary Deigan*

Gary J. Deigan  
Principal

cc:

J. Jeep, Jeff Diver Group, LLC